

LAW OFFICES OF

HAJEK, SHAPIRO, COOPER & LEWIS, P.C.

A PROFESSIONAL CORPORATION

1294 DIAMOND SPRINGS RD • VIRGINIA BEACH, VA 23465
POST OFFICE BOX 5369 • VIRGINIA BEACH, VA 23471

RECEIVED
CENTRAL FAX CENTER

OCT 05 2005

757/460-7776
757/460-8428 fax
web site: www.hsinjurylaw.com
e-mail: rshapiro@hsinjurylaw.com

Francis P. Hajek (VA, WV, DC, NC, KY)
*Richard N. Shapiro (VA, WV, DC, NC)
John M. Cooper (VA, WV, NC)
James C. Lewis (VA, NC)

Affiliated Counsel
Lawrence M. Mann (DC)

TELECOPY TRANSMITTAL SHEET

To: Bridget Avery, U.S. Patent Examiner

Fax Number: 571-273-8300

Date: 10/5/05

From: Rick Shapiro

Re: Serial No. 10/622,172 - Petition to Revoke

Comments:

Please see attached.

NUMBER OF PAGES: 7 (INCLUDING TRANSMITTAL SHEET)

UPON RECEIPT OF THIS FAX:

☐ Please acknowledge receipt by telephone to Blair Gray x229 at (757) 460-7776.

If there are any problems receiving this information, please telephone Blair Gray at Hajek, Shapiro, Cooper & Lewis, P.C. at 757-460-7776.

THE INFORMATION CONTAINED IN THIS FAX IS STRICTLY CONFIDENTIAL. IF YOU RECEIVE IT IN ERROR, PLEASE CALL THIS OFFICE IMMEDIATELY!

*Board Certified as Civil Trial Advocate by the NATIONAL BOARD OF TRIAL ADVOCACY
*American Bar Association accredited - the Virginia Bar maintains no attorney certifying organization

BEST AVAILABLE COPY

RECEIVED
CENTRAL FAX CENTER

OCT 05 2005



**PANCAKE
WHEEL™**

www.PancakeWheel.com

PATENTED FOLD FLAT WHEEL SYSTEMS

1294 Diamond Springs Road
Virginia Beach, VA 23455
757-460-7776 Phone
757-460-3428 Fax
800-752-0042 Toll Free
RShapiro@hsinjurylaw.com
RNShapiro@cox.net

October 5, 2005

VIA FACSIMILE 571-273-8300

Ms. Bridget Avery
U.S. Patent Examiner
Art Unit 3618
Patent and Trademark Office
Alexandria, VA

RE: Serial No. 10/622,172 - Petition to Revive

Dear Examiner Avery:

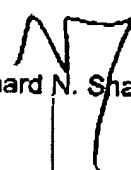
I just wanted to attach for you a copy of the Petition to Revive that I actually just mailed the other day relating to the above-captioned serial number which was abandoned. You will recall this is the application that you and I discussed when I was up at the Patent office for the interview on the other cases.

I am attaching a courtesy copy and you will note that I have paid the filing fee.

In a previous fax to you, I sent you the April 2005 amendment which I believed I had filed. (We inadvertently did not attach this to the Petition to Revive and I believe that you do have a copy through your computer telefax from the last 30 days).

I appreciate your consideration and assistance in accepting my Petition to Revive this application.

Respectfully submitted,


Richard N. Shapiro

RNS/bmg



1294 Diamond Springs Road
Virginia Beach, VA 23455
757-460-7776 Phone
757-460-3428 Fax
800-752-0042 Toll Free
RShapiro@hsinjurylaw.com
RNShapiro@cox.net

October 3, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RE: Serial No. 10/622,172

Dear Sir or Madam:

Please find enclosed applicant's Petition to Revive in the above-referenced matter.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

Richard N. Shapiro

RNS/bmg

7005 1160 0005 2134 8072

CERTIFIED MAIL RECEIPT (Domestic Mail Only: No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com .	
OFFICIAL USE	
Postage \$	Postmark Here
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees \$	
Send To: Street, Apt. No., or PO Box No. City, State, ZIP+4	PS Form 3800, June 2002 See Reverse for Instructions

APPLICANT'S PETITION TO REVIVE	Application #	10/622,172
	Confirmation #	unknown
	Filing Date	July 18, 2003
	First Inventor	Shapiro
	Art Unit	3618
	Examiner	Bridget Avery
	Docket #	unknown

Commissioner for Patents
Washington, D.C.

SIR:

Applicant moves to revive patent application serial number 10/622,172, and states as grounds therefore the following:

1. Applicant filed this patent application with the U.S. Patent office on July 18, 2003.
2. Applicant diligently moved forward on the application by filing a preliminary amended set of claims on June 23, 2004, before any substantive office action.
3. The U.S. Patent office first responded substantively on March 18, 2005 with an election/restriction requirement.
4. This filing required applicant to respond within 90 days.
5. Applicant drafted a response to the election/restriction requirement setting forth applicant's position on the election and restriction requirement and signed the mailing certificate dated April 13, 2005 believing that the response had been filed with the U.S. Patent & Trademark office in the proper fashion.
6. There was no further action by applicant or the U.S. Patent office until applicant was on a telephone conference with Bridget Avery, the assigned examiner with Art Unit 3618, during September 2005. Examiner Avery asked the applicant why he had not responded to this election restriction requirement, and applicant was taken by surprise, believing he had filed the election in April 2005. This conversation took place during September 2005.
7. Applicant immediately checked his records and located the response, attached as Exhibit A, dated April 13, 2005 which applicant believed had been filed in proper fashion. Applicant mistakenly was waiting for the U.S. Patent office to respond, but the U.S. Patent office does not show


receipt of the applicant's response dated April 13, 2005 which applicant believes was mailed.

8. During April 2005, the United States Patent office moved. Applicant does not have an actual filing receipt showing fax or registered mail of this filing, but applicant moves to revive this application believing that the abandonment of this application arose through inadvertence.
9. Applicant also had no warning from the U.S. Patent office of the abandonment, and in fact believed that he had properly filed the April 13, 2005 response attached hereto as Exhibit A.
10. Accordingly, your applicant moves the U.S. Patent office to revive this application and to accord plaintiff the original filing date due to the inadvertence involved in the abandonment occurring in this case.
11. Applicant hereby disclaims any extension of the patent term, if granted, and waives any such term.
12. Applicant meets the small entity status definition and has enclosed the required fees.

WHEREFORE, the applicant moves the U.S. Patent office to revive said application.

Respectfully submitted,

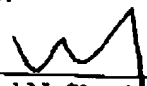
Date: 10-3-2005



RICHARD N. SHAPIRO (APPLICANT)
1294 Diamond Springs Road
Virginia Beach, Virginia 23455
757-460-7776; Facsimile: 757-460-3428
rshapiro@hsinjurlaw.com

MAILING CERTIFICATION

I hereby certify that the foregoing amendment application is being deposited in the mail via the U.S. Postal System on October 3, 2005.



Richard N. Shapiro

PANCAKE WHEEL LLC 08/04
1284 DIAMOND SPRINGS ROAD
VIRGINIA BEACH, VA 23465

1042

DATE 9-30-05

PAY TO THE ORDER OF Commissioner A.S. Federal & Trade Office \$ 750.00

TOWNE BANK

FOR 10/622,172 per protest

Legal Partner

1042

1042

Notice of Abandonment

Application No.

10/622,172

Examiner

Bridget Avery

Applicant(s)

SHAPIRO, RICHARD N.

Art Unit

3618

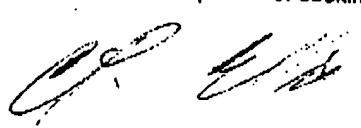
-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 29 March 2005.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:


BRIDGET AVERY
PATENT EXAMINER

9/27/05


CHRISTOPHER F. BLISS
SUPERVISING PATENT EXAMINER
TECHNOLOGY CENTER 5000

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office
TOL-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper No. 20050922

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☐ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER: _____**

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.